

PREHEARING ORDER OF COMMISSION

Objection filed by the Bridge, Structural and Ornamental Iron Workers, Local Union No. 10, on April 4, 2005, to Annual Wage Order No. 12, pertaining to building construction prevailing wage rate for the occupational title of Iron Workers in Section 071, Morgan County (Objection No. 007); issued by the Division of Labor Standards, Department of Labor and Industrial Relations, filed with the Secretary of State: March 9, 2005.

I. Prehearing Conference

Pursuant to 8 CSR 20-5.010(3)(A) and in connection with the above-referenced objection, the Labor and Industrial Relations Commission (the "Commission") ordered a prehearing conference to take place on May 4, 2005, for the purpose of aiding in the disposition of its upcoming hearing. The following were present at the prehearing conference: Assistant Attorney General Michael Pritchett, counsel for the Division of Labor Standards (the "Division"); James J. Boeckman, for the Division; Martin W. Walter, counsel for the Bridge, Structural and Ornamental Iron Workers, Local Union No. 10 (the "Objector"); and David Coleman, Objector's business representative.

Brad Johnson, counsel for the Commission and the Commission's designated representative, presided over the prehearing conference.

II. Prefiled Testimony and Exhibits

The parties submitted the following evidence at the prehearing, all in accordance with the procedures that the Commission generally follows at its hearing, as set out in 8 CSR 20-5.010(4).

For the Division:

The prepared testimony, with accompanying attachments, of **James J. Boeckman**, Assistant Director of the Division.

For the Objector:

The prepared testimony, with accompanying attachments, of **David Coleman**, business representative for the Objector.

The Objector indicated it had no foundational objections to the Division's evidence (other than as set out in its prefiled evidence). The Division, too, voiced no foundational objections to the Objector's evidence. The parties further advised that Mr. Boeckman and Mr. Coleman would be present at the scheduled hearing for examination.

III. Issue for the Hearing

The Objector is challenging the contractor reports upon which the Division relied in determining the wage rate for iron workers in Morgan County. More specifically, the Objector alleges that

certain hours reported by Sircal Contracting, Inc. during 2004 in Morgan County were erroneously classified and reported to the Division as carpenter hours when they should have been classified and reported as iron worker hours. (The Objector has filed a complaint to the Division regarding this issue.) The Objector contends that those misclassified hours, coupled with additional iron worker hours paid by Balco L.L.C., show that the greatest number of iron worker hours should have been paid and reported at the rate of \$21.50 per hour plus fringe benefits totaling an additional \$15.08 per hour.

The Division indicated that as of the time it made its applicable determination of wage rate, nothing in the contractor reports submitted indicated they were unreliable or inaccurate and that those reports showed that the greatest number of hours worked by iron workers in Morgan County during 2004 were worked at the lower rate (\$17.00 per hour) established in Annual Wage Order No. 12.

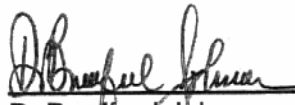
IV. Hearing Information

The hearing before the Commission is scheduled for 10:00 a.m. on May 16, 2005 (and May 17, 2005, if additional time is needed). Counsel for the parties indicated they were available both days and would be in attendance. The location of the hearing is the Department of Labor and Industrial Relations Building, 3315 West Truman Boulevard, Jefferson City, Missouri, in the second floor conference room.

The Commission's undersigned designated representative has prepared and executed this order in accordance with 8 CSR 20-5.010(3)(B).

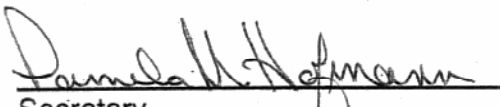
Given at the City of Jefferson, State of Missouri, this 6th day of May 2005.

LABOR AND INDUSTRIAL RELATIONS COMMISSION



D. Bradford Johnson
Designated Representative

Attest:



Secretary